UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In Re:	§	**Case No. 10-39372-H4-13**
	§	
Cuong Nguyen	§	
Thy Song Ho,	§	
	§	
Debtors	§	**Chapter 13**

MOTION TO RELEASE FUNDS FROM COURT'S REGISTRY

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

COMES NOW, Cuong Nguyen and Thy Song Ho, hereinafter referred to as Debtor, whether individual or joint, and files this Motion to Release Funds from Court's Registry, and in support thereof, would show the Court the following:

1. Debtor filed the instant petition for relief under Chapter 13 on October 20, 2010.

2. The Chapter 13 plan was confirmed by the Court on December 13, 2010.

3. As part of the Chapter 13 plan, an unsecured creditor named Doranna Swint was listed with an "unknown amount". This was a creditor to Ms. Ho's former nail salon business. Ms.

Swint subsequently filed a proof of claim at Docket No. 16-1 on February 17, 2011 for $850,000.00. Mr. Peake paid Ms. Swint $3,818.35 over the course of the plan.

4. The Debtor completed their Chapter 13 plan and the Trustee filed a Notice of Plan Completion on November 10, 2015 at Docket No. 97.

5. The Debtor received their Order of Discharge on December 15, 2015 at Docket No. 103.

6. On January 13, 2016 at Docket No. 107, the Trustee filed a Motion to Deposit Funds into the Court Registry Pursuant to 11 U.S.C. § 347(a). This motion states that more than ninety (90) days had passed since the final distribution and the funds payable to Ms. Swint remain unclaimed in the amount of $7,056.00.

7. In February 2016, the Debtor contacted Counsel to explain that her insurance company had settled with Ms. Swint back in October 2011. Ms. Swint signed a Full and Final Release, which is attached as Exhibit A. It appears that the insurance company paid Ms. Swint $110,000.00 to settle her claim, thus she did not take any further distributions from the Trustee.

8. As a result, the Debtor requests this Honorable Court to release this $7,056.00 that remains unclaimed and refund it back to the Debtor.

WHEREFORE, PREMISES CONSIDERED, the Debtor prays that the Court enter an Order Releasing the $7,056.00 and refund this money to the Debtor, and that the Debtor have such other and further relief, both at law and in equity, to which they may be entitled.

SUBMITTED THIS 24TH DAY OF FEBRUARY, 2016.

Respectfully Submitted,

/s/ Rod S. Kemsley
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ATTORNEYS FOR DEBTOR

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above motion has been served via U.S. First Class Mail or ECF EMail, on the certified date below, upon the parties of interest listed on the attached matrix.

DATE: February 24, 2016

/s/ Rod S. Kemsley
Rod S. Kemsley